

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

JERRY MOATS,

Plaintiff,

v.

Civil Action No. 2:04-0696

JO ANNE BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on July 8, 2005; and the magistrate judge having recommended that the court deny plaintiff's motion for summary judgment; and the magistrate judge having further recommended that the court grant defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this matter from the court's docket; and no objection having been filed to the proposed findings and recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court;

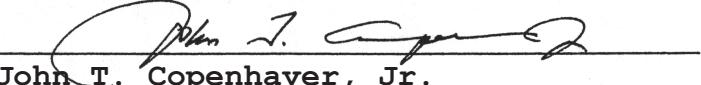
2. The plaintiff's motion for summary judgment be, and it hereby is, denied;

3. The defendant's motion for judgment on the pleadings be, and it hereby is, granted; and

4. The decision of the Commissioner be, and the same hereby is, affirmed.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: September 8, 2005


John T. Copenhaver, Jr.
United States District Judge